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U.S. Patent and Trademark Office.
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

First named inventor: ALEXANDER R. ROUSTAEI

Application No.: 09/579,023

Art Unit: 2887

Filed: MAY 25, 2000

Examiner: LE, THIEN

Title: OPTICAL SCANNER FOR READING AND DECODING ONE-AND-TWO-DIMENSIONAL SYMBOLS
AND HIGH ACCURACY IMAGE ANALYSIS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact the
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper
action by the United States Patent and Trademark Office. The date of abandonment is the
date of the period set for reply in the office notice or action plus an extensions of time allowed.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
- ☒ Other than small entity - fee \$ 1,540.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of PROPOSED CORRECTED DRAWINGS (identify type of action)

- ☒ has been filed previously on OCTOBER 31, 2007
- ☐ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection of information, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT FORGET TO SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 3.

03/03/2008 SSANDARA 00000024 503024 09579023

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a fee other than a small entity) disclaiming the required period of time is enclosed PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the re-filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The U.S. Trademark Office may require additional information if there is a question as to whether abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional. Subsections (III)(C) and (D)].

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in contribute to identity theft. Personal information such as social security numbers, bank account numbers (other than a check or credit card authorization form PTO-2038 submitted for payment to the USPTO to support a petition or an application. If this type of personal information is included USPTO, petitioners/applicants should consider redacting such personal information from the document to the USPTO. Petitioner/applicant is advised that the record of a patent application is available of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made of a patent. Furthermore, the record from an abandoned application may also be available to referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card 2038 submitted for payment purposes are not retained in the application file and therefore are not



Signature

ARUN CHANDRA

Typed or printed name

Registration

HOGAN & HARTSON LLP

Address

Tel

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Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 50-3024

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1

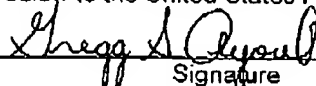
I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below postage as first class mail in an envelope addressed to: Mail Stop Petition Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent Office at (571) 273-8300.

FEBRUARY 22, 2008

Date



Signature

GREGG S. AYOUB

Typed or printed name of person

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I hereby certify that this correspondence
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Date: February 22, 2008
Name: Gregg S. Ayoub

Signature:


Hogan

Docket No. 2119.0067(7157-340)

Custom

IN THE UNITED STATES PATENT AND TRADEMARK

In re Application of: Alexander R. Roustaei et al.

Filed: May 25, 2000

Group Art Unit: 2887

Serial No: 09/579,023

Examiner: Le, Th

For: OPTICAL SCANNER FOR READING AND DECODING
TWO-DIMENSIONAL SYMBOLOGIES PROCESSING
HIGH ACCURACY IMAGE ANALYSIS

Commissioner for Patents
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF PETITION FOR REVIVAL OF UN
ABANDONED PATENT APPLICATION**

Sir:

Please charge the Petition Fee payment of \$1,540.00 to Deposit .
The Commissioner is hereby authorized to charge additional fees for this
overpayments to Deposit Account No. 50-3024. A duplicate copy of this S:

REMARKS

The application identified above was unintentionally abandoned .
that it be revived. Applicants have been diligent in responding to Patent Office
been received and have been attempting to place this application in condition for

Statement in Support of Petition for Revival of Unintentionally Abandoned Patent
U.S. Serial No. 09/579,023
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years. As discussed in below, herein, the issues leading to the abandonment receipt of papers from the Patent Office and other Patent-Office related issues.

1. On October 4, 2005, the Examiner issued an Office Action indicating, *inter alia*, that (a) the drawings for the application were not in compliance with the requirements of 37 CFR 1.101, (b) issuing a non-statutory double patenting rejection, and (c) rejecting the claims concerning claim numbering.

2. On March 31, 2006, applicants submitted an Amendment to the application, which included a terminal disclaimer to obviate the double-patenting issue, and resubmitted Formal Drawings.

3. Apparently, a notice was sent to Applicants' counsel in April of 2006, stating that the April, 2006 Notice of Non-Compliance with the requirements of 37 CFR 1.101 was non-compliant because of drawings were not "replacement sheets". Such notice was never received by Applicants' counsel.

4. In late 2006 and early 2007, after believing that no action from the Patent Office had been taken, Applicants' counsel contacted the Examiner and was informed that the April, 2006 Notice of Non-Compliance with the requirements of 37 CFR 1.101 was non-compliant because of drawings were not "replacement sheets". At that time, the Examiner did not raise the issue of non-compliant submission.

5. Following an additional period of time with no paper received from the Patent Office, Applicants' counsel was contacted by the Patent Office and learned of the April, 2006 Notice of Non-Compliance with the requirements of 37 CFR 1.101. The Formal Drawings submitted on March 31, 2006 were considered non-compliant.

6. In a discussion with Examiner Thien Minh Le conducted on October 25, 2007, Applicants' counsel was informed that a flag had been set in this case and that the April, 2006 Notice of Non-Compliance with the requirements of 37 CFR 1.101 was non-compliant because of drawings were not "replacement sheets". After Applicants' compliance with the April, 2006 Notice. The Examiner faxed Applicants' response (upon receipt) to "Jackie" at the Patent Office. The Examiner faxed applicants a copy of the April, 2006 Notice of Non-Compliance with the requirements of 37 CFR 1.101 on October 25, 2007.

7. On October 31, 2007, Applicants filed a "Second Resubmission" of the application, which included a terminal disclaimer to obviate the double-patenting issue, and resubmitted Formal Drawings addressing the issues raised on the April, 2006 Notice of Non-Compliance with the requirements of 37 CFR 1.101.

8. On January 28, 2008, Applicants received a Notice of Abandonment of the application because the proposed corrected drawings received from the Patent Office were after the expiration of a three month period set in the Notice of Allowance. The Notice of Abandonment was dated 12/28/2006. "Notice of Informal or Non-Responsive Amendment mailed on 12/28/2006."

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9. Although to the best knowledge of the applicants, the applicants did not receive a Notice of Allowability except for resolving issues concerning the drawings, the Applicants did not receive a Notice of Allowability or a Notice of Informal or Non-Responsive Amendment, both of which were referenced in the Notice of Abandonment.

10. The Image File Wrapper accessible via PAIR also does not contain a Notice of Allowability or a Notice dated 12/28/06. While the Transaction History accessible via PAIR contains a "Notice of Informal or Non-Responsive Amendment" dated 12/28/06, as indicated, this notice was never received by applicants and does not appear in the Patent Office's Transaction History. In addition, the Transaction history does not indicate any Notice of Allowability.

11. Upon receipt of the present Notice of Abandonment, Applicants unsuccessfully attempted to contact Examiner Le several times by telephone to discuss the issues and resolve the apparent issues.

In view of the foregoing, the Applicants respectfully request:

- (1) that the present Petition to Revive be granted and the Abandonment be rescinded;
- (2) that the Patent Office provide a new Notice indicating exactly what is to be resolved – if any – so that they can be addressed by the applicants and this can be resolved.

If the Patent Office believes it would be more expedient to contact the applicants by telephone to discuss this matter, the undersigned can be contacted at the number above.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants hereby consider this to be a petition therefor. Please charge the required Petition fee to Debtor's account 50-3024.

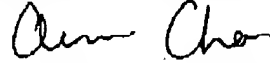
ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our account 50-3024.

Statement in Support of Petition for Revival of Unintentionally Abandoned Patent
U.S. Serial No. 09/579,023
February 22, 2008

Date: February 22, 2008

Respectfully submitted,



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